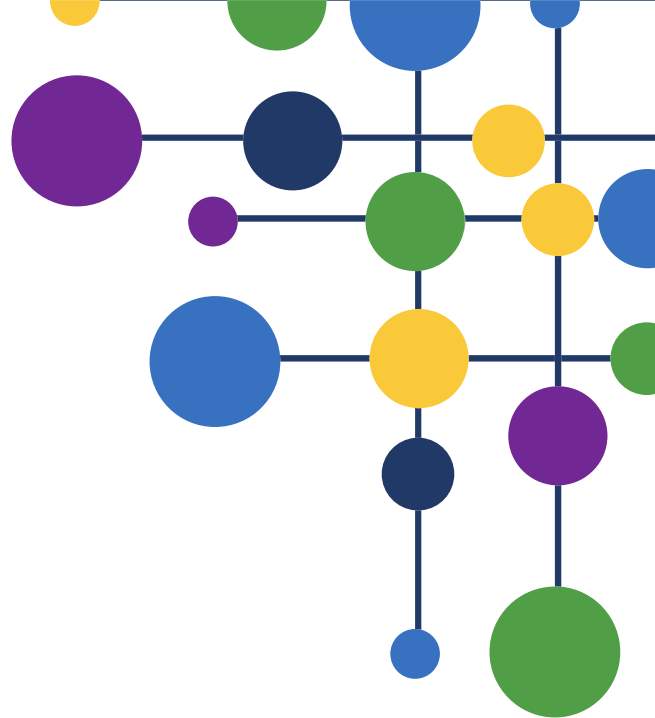




SHARE
MULTI-ACADEMY TRUST

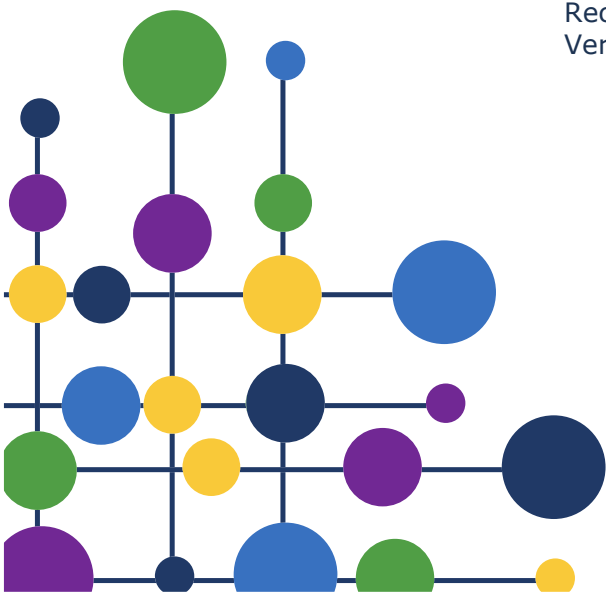


RECRUITMENT POLICY AND PROCEDURE

Version	2.2
Name of policy writer	Debbie Howard
Review date	April 2022
Approved by Directors	April 2020

Record of Alterations

Version 1.0	Original
2.0	Addition of paragraph 20.4 / 24.2
	2.1 – minor statutory updates
	2.2 – reviewed April 2021 no amendments





1. Introduction

- 1.1 The policy is based on the premise that the Trust will ensure that fair, consistent and objective processes exist for matters relating to recruitment and selection of staff and volunteers.
- 1.2 Regardless of the size or nature of an organisation, appropriate processes require not only to be robust but also to be applied in a consistent manner to ensure the safest levels of staff recruitment. Accordingly, this policy is designed to develop and maintain an underlying culture of safeguarding awareness by observing best practice in relation to risk assessment and strategic management throughout.
- 1.3 The policy is designed to ensure that the best possible staff are recruited on the basis of their individual merits, abilities and suitability for the available advertised position, and to ensure that all individuals are given equal opportunity to apply for positions within the Trust with all applications being considered equitably and consistently.
- 1.4 Such practice will ensure that the Trust embraces fully the principles of the Equality Act 2010 whilst also acting in accordance with relevant sections of data protection legislation, principally the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), by clarifying its justification to obtain and retain (or process) certain categories of identifiable data.

2. Purpose and scope

- 2.1 This document underlies the principles enshrined in 'Inspecting safeguarding in early years, education and skills settings' (guidance for inspectors undertaking inspection under the common inspection framework – last updated August 2016) and in 'Working together to safeguard children' (statutory guidance on inter-agency working to safeguard and promote the welfare of children – last updated July 2018) as well as the documents entitled 'School Staffing (England) (Amendment) Regulations 2012' and 'Keeping Children Safe in Education' (updated September 2018).
- 2.2 The purpose is to ensure that a fair and consistent procedure is applied to all employees, having regard to the nature of their employment.
- 2.3 The purpose is also to ensure that safer recruitment procedures are followed in line with best practice to identify people who may be unsuitable to work with children, and additionally to ensure that those who come into regular contact with pupils (this may include individuals such as volunteers, contractors (and their employees) and supply staff) are checked as to their suitability.
- 2.4 It is important that all staff have appropriate training, induction and appraisal so that they understand their roles and responsibilities and are confident about carrying them out.



- 2.5 These procedures apply to all employees (and potential employees) of the Trust. Nothing in these procedures is intended to contravene the statutory rights, duties and obligations of those individuals.

3. Job Review

- 3.1 Any vacancy presents an opportunity to consider restructuring or to reassess the requirements of the post within the context of the Trust / individual academy's development plan and budgetary constraints.
- 3.2 Valid considerations include any change in the functions of the post, any alterations to the post in relation to new technologies or any new work patterns etc. Addressing these issues will help to clarify the precise requirements of the post and how it fits into the overall staffing structure of the organisation.
- 3.3 It is considered good practice to conduct exit interviews or hold discussions with the current (that is the departing) jobholder as this will provide useful information about the role (which may have evolved from the existing job description) and indeed may clarify requirements before a decision is taken to advertise the role in an identical or amended format (or indeed inform debate as to the need for a direct replacement).
- 3.4 If an exit interview cannot be arranged prior to the employee leaving, an appropriate questionnaire can be posted to their home address (or emailed) to allow them an opportunity to respond. In exceptional cases the employee may wish the exit interview to be conducted by someone other than their line manager and this should be accommodated where possible (for instance an HR Advisor could undertake that task).

4. Planning Process

- 4.1 It is important that sufficient time is allowed to plan for recruitment. Relevant elements include: drawing up the job description and person specification; deciding on the appropriate media for advertising; drafting the advertisement and preparing recruitment pack information; and ensuring that all staff involved in the recruitment process are fully aware of their responsibilities.
- 4.2 For some posts there may be in addition to a face to face interview, in-tray exercises and other activities which will require to be factored into the timeline.

5. Selection Panel

- 5.1 In line with safeguarding requirements, it is mandatory that **at least** one member of every recruitment panel has undergone appropriate training in safer recruitment.
- 5.2 Such training courses are no longer accredited at a national level (in other words approved by the Secretary of State), however training providers must cover, as a minimum, the content of the latest version of the document 'Keeping Children Safe in Education'.



- 5.3 The selection panel should normally consist of at least two managers (or senior postholders) who have the authority to make appointment decisions, please refer to the Trusts' Scheme of Delegation.
- 5.4 Headship and Deputy Headship posts must be recruited to in accordance with the Scheme of Delegation.
- 5.6 The panel members must:
- agree the job specification before carrying out the shortlisting process;
 - agree the questions to be asked at interview (and any assessment activities that are part of the recruitment process);
 - agree to appoint a chair whose role is to co-ordinate;
 - ensure that the interview process is conducted fairly and without discrimination.

6. Job Description

- 6.1 The job description should detail the underlying purpose and principal tasks of the role.
- 6.2 The job description should be reviewed regularly to ensure that the duties as detailed continue to reflect, in an accurate manner, the practical nature of the role.
- 6.3 The job description should also be reviewed to ensure fitness for purpose whenever a post becomes vacant.
- 6.4 All job descriptions should be free of bias such as age, gender and disability. They should specify:
- the main purpose and tasks of the job;
 - the scope of the job – expanding on the main tasks and importance of the job, including the number of people to supervise;
 - and should also clarify the grade/ pay range of post.
- 6.5 An accurate job description is essential for all posts in the staffing structure. It should include a statement of responsibility and requirements for safeguarding and can act as a guide to induction and training in addition to enabling prospective applicants to assess their suitability for the role.
- 6.6 The job description also provides the basis for drawing up a person specification, which is effectively a profile of the skills and aptitudes considered essential, or in some cases merely desirable, in the job-holder.

7. Person Specification

- 7.1 The person specification represents a framework of the qualifications, skills, experience, knowledge and other attributes (selection criteria) which a candidate



must possess to perform the duties of the role in a satisfactory manner.

- 7.2 Drawing up the person specification allows the Trust to profile the ideal person to fill the job. It is very important that the criteria cited in the person specification are related precisely to the needs of the job. If these are inflated beyond what is necessary for effective job performance, there is a risk that an individual may be employed on the basis of false hopes and aspirations, in which event both employer and employee may end up disappointed in each other.
- 7.3 Another good reason not to set unnecessary requirements is to avoid any possibility of discrimination against an identifiable group of potential applicants. The process of drafting a job description and person specification should help the employer to develop and implement a policy of equal opportunity in the recruitment and selection of employees.
- 7.4 Factors to consider when drawing up the person specification include:
- the skills, knowledge and aptitudes directly related to the job;
 - the type and level of experience necessary;
 - the competencies necessary (including, where appropriate, any requirement for fluency in spoken English);
 - the required level of education and training (but only so far as is necessary for satisfactory job performance).
- 7.5 Any specified criteria relating to personal qualities or circumstances must be directly related to the requirements of the job. These criteria must be applied equally to all individuals and must not discriminate on grounds of age, disability, race (or nationality), religion or belief, gender (including transgender), pregnancy (or maternity), sexual orientation, marital or civil partnership status, or whether the individual is or is not a member of a trade union. To act otherwise is potentially discriminatory.
- 7.6 The criteria must be categorised as either essential or desirable; essential being applicable to those criteria which the applicant must possess to perform the role adequately and desirable being applicable to those criteria which would enhance performance from the outset but which (if not initially possessed) could be developed over time with training.

8. Advertisement

- 8.1 Any advertisement needs to be designed and presented effectively to ensure the right candidates are attracted. Advertisements must be tailored to the level of the target audience and should always be clearly worded and easily understood.
- 8.2 Advertisements must be non-discriminatory and should avoid any gender or culturally specific language. To support this, the Trust should include in the advert its statement of commitment to equal opportunities, which will confirm the employer as one which will welcome applications from all sections of the community.
- 8.3 All advertisements, whether for internal or external placement, should carry the same



information. To avoid accusations of age discrimination it is advisable not to use such phrases as 'young and dynamic', 'would suit someone who has just qualified', 'minimum of ten years' experience' or similar, as these may lead to age bias.

- 8.4 In terms of a 'genuine occupational requirement' (GOR), it is permissible to advertise for a person of a particular age, gender, race, religion etc. provided the employer can demonstrate there is a specific requirement and that the action is proportionate to the aim, in other words that this cannot reasonably be achieved by any other means. It is good practice that a statement to this effect is added to any advertisement that contains a GOR, specifying that this particular requirement is 'permitted under Schedule 9, part 1 of the Equality Act 2010' which is deemed relevant to the circumstances.
- 8.5 The Trust's equal opportunities statement must be included in the advert, this is "*Share MAT is committed to safeguarding and promoting the welfare of children and young people and expects staff and volunteers to share this commitment*".
- 8.6 The job description and person specification will enable the selection panel to identify the key functions of the role to be advertised and the qualifications, skills, experience and attributes believed to be necessary in a successful candidate.
- 8.7 Factors to consider when drafting the advertisement include the following:
- keep the text short and simple while giving the main aspects of the job such as: pay, career prospects, location, contract length, suitability for job share, fixed term etc.;
 - make clear the form of reply and the closing date for applications;
 - ensure an appropriate contact name and phone number for further information and enquiries;
 - confirm the requirement for a Disclosure and Barring Check (and/or other relevant declarations) appropriate to the post.
- 8.8 It is good practice to advertise all vacancies externally to avoid any potential claim of discrimination – however, where there is a reduction in the workforce or developmental reasons, posts will be recruited from existing staff.
- 8.9 Internal recruitment can have the advantages of building on existing staff's skills and training and providing opportunities for development and promotion. This represents a good way to retain valuable employees whose skills can be further enhanced. Other advantages include the opportunity for staff to extend their competencies and skills to the benefit of both the Trust and the individual, and the enhancement of individual motivation (such as in relation to succession planning).
- 8.10 All adverts must be placed with the TES, the DfE website, the Trust's website, the Academy's website and local Council websites including Kirklees. Also Jobcentre Plus (DWP) which will display employers' vacancies and refer potential recruits. They also administer some of the Government training programmes. The Disability Service Team staff at Jobcentre Plus can help address the specific requirements of attracting disabled people.

Please contact HR for additional advice for categories of jobs where there may be local or national shortages.



9. Application Form

- 9.1 A well-crafted application form (whether submitted as hard copy or in electronic format) can assist in the recruitment process by enabling necessary and relevant information to be provided by the applicant in relation to their experience and skills. The design of the application form needs to be realistic and should be tailored to the available position.
- 9.2 In accordance with data protection legislation (most pertinently GDPR) any requests for personal information must be confined to elements which can be justified as necessary for the process of recruitment, or (in relation to the successful candidate only) necessary for contractual purposes of employment. In this regard the application form may reference the Trust's privacy notice, and signpost where this will be found.
- 9.3 The use of a well-designed application form has advantages in providing the required information in the format desired by the recruiter, thus providing the basis for the initial sift prior to shortlisting and interview. The application form should provide a record of experience and qualifications which is easy to follow if the form is completed accurately.
- 9.4 The Trust will request all applicants to complete a safeguarding declaration* (examples of which are provided at Appendix 3) appropriate to the specific post being advertised. The relevant declaration can be included in the applicant pack/application form, and serves to confirm that the applicant is neither on a relevant barred list nor disqualified from working with children etc. Completion of the declaration will additionally ensure that (in the event of their application being successful) the individual is under an obligation to inform the headteacher immediately in the event of any of the clauses in the declaration becoming applicable at some point in the future (throughout the duration of their employment).
- 9.5 The Trust will reference (within the applicant pack/application form) the requirement for DBS checks for relevant roles prior to appointment and may also wish, at an early stage in the recruitment process, to draw the attention of candidates to the information contained in Appendix 2 with regard to the practical means by which any previous criminal convictions, cautions etc. (including spent convictions as well as any convictions/cautions etc. which have been acquired abroad) should be brought to the academy's attention. This appendix also clarifies the Trust's policy on employing people with a criminal record.
- 9.6 A minimum of two references must be obtained, one of which should always be from the applicant's current (or last) employer (and must be from the headteacher if the last or current employer is a school), and this requirement should be outlined clearly within the applicant pack/application form. Any reference obtained from a school should be signed by the Headteacher.
- 9.7 Any information such as title (revealing gender and, in some cases, marital status), name (possibly revealing ethnic origin) or date of birth (revealing age) which has



potential relevance to protected characteristics (under the Equality Act 2010) but which may legitimately be requested for monitoring purposes (to evidence compliance with legal requirements guarding against discrimination) should be clearly shown to be for this purpose only and should be recorded on a separate sheet or tear-off section. (See section 11 for further information on monitoring of demographics.)

- 9.8 If the applicant's response on the application form declares or suggests that they are disabled, the recruiting panel should take note of this. In the case of disability, the potential employer has a legal duty under the Equality Act 2010 to make reasonable adjustments, for example by holding the interview in an easily accessible room or allowing extra time for selection tests.

10. Applicant Pack

- 10.1 The principal aim of the applicant pack is to clarify the role in sufficient detail as to encourage applications from those individuals most suited to the role. The pack may contain:
- a covering letter explaining contents and further information;
 - a copy of the advertisement (which in turn should specify if fluency in spoken English is a necessary requirement of the post);
 - an application form with equal opportunities monitoring form attached;
 - advice on how to complete the form;
 - job description and person specification;
 - Trust and/or academy chart (reporting lines etc.);
 - information about the school/profile/prospectus/statistical information;
 - information about the local area;
 - outline terms and conditions of employment;
 - the employer's Disclosure and Barring Service (DBS) checks policy (further details given in Appendix 2);
 - confirm CVs will not be accepted;
 - details of other pre-employment checks (including those related to disqualification where relevant).
- 10.2 The applicant pack should explain the application process and clarify both the closing date and, ideally, the date(s) on which interviews (and assessments, if applicable) will be held. It should also confirm that if the applicant has not heard from the Trust within two/three/four weeks of the closing date, they should assume that their application has been unsuccessful.
- 10.3 Application forms received from candidates should be scrutinised on arrival by an administrator independent of the selection panel to ensure that they are properly completed and that the information contained within them is consistent. Incomplete applications must not be accepted. A decision should be made at the outset of the process as to whether any applications that are found to be incomplete are to be returned for completion or discarded.



11. Demographic Monitoring

- 11.1 The Equality Act 2010 makes it unlawful for employers to discriminate against job applicants as well as existing workers because of a 'protected characteristic'.
- 11.2 The protected characteristics under this act are (in alphabetical order): age; disability, gender reassignment, marital or civil partnership status, pregnancy and maternity, race (or nationality), religion or belief, sex and sexual orientation. It is similarly illegal (under different legislation) to discriminate on the basis of membership (or non-membership) of a trade union.
- 11.3 To minimise the possibility of receiving a claim alleging discrimination, it is good practice to ensure that the initial stage of demographic monitoring is carried out (on initial receipt of the completed application forms) by an administrator independent of the selection panel.
- 11.4 The separate elements of each application form should be identified on the recruitment summary sheet using the number allocated to each form, and any personal identifiers, as well as any demographic information, detached from the application before the remaining element of the form (containing details of qualifications, training, current and previous employment plus the applicant's personal statement) is sent (in anonymised format) by the administrator to the appointment panel once the closing date has been reached.
- 11.5 The appointment panel should then proceed with shortlisting by reference to anonymised applications only.
- 11.6 The completed summary sheet (in anonymised format) should be kept within the recruitment file but all identifiable data relating to the unsuccessful candidates should be retained securely until disposed of in accordance with clause 17.5.
- 11.7 Demographic data, consisting of information (contained within the equal opportunities monitoring form – completion of which remains optional for the candidate) which constitutes a discrete and anonymised element within the application pack, can, however, be retained indefinitely (on the basis that it contains no identifiable data) for the purposes of monitoring the employer's performance in relation to equal opportunities and related concepts.

12. Shortlisting

- 12.1 The shortlist should be drawn up as soon as possible after the closing date and to ensure fairness the process of shortlisting should involve an absolute minimum of two members of the recruitment panel. Shortlisted candidates are chosen on the basis of a comparison of the information provided in their (anonymised) application forms with the person specification, which is in turn based upon the job description.
- 12.2 The shortlisting grid/matrix should only be completed after application forms have been numbered and have had their identifying information (including demographic data) removed (by someone not involved in the shortlisting process – see clause 11.4) in order to ensure a systematic and objective procedure is followed.



- 12.3 The chosen criteria for the post should be entered on the grid and each applicant's number should be inserted. The criteria should then be compared to the information supplied in the application form, inserting a tick or a cross to indicate whether or not these have been met. The columns should then be totalled.
- 12.4 A clear distinction should be maintained between essential and desirable criteria, and any candidate who does not meet the essential criteria should not be shortlisted for interview. Desirable criteria can be used to further differentiate between those who have satisfied the essential criteria, if the shortlist is longer than required in terms of practicality.
- 12.5 If, however, the (potential) employer is under an obligation to follow the 'disability confident' (or an equivalent) scheme (see clause 9.9) then in the event of a candidate who has declared a disability on the application form satisfying all of the essential criteria, that candidate should be interviewed.
- 12.6 In the event of job applications being received from more than one applicant with a view to the role being undertaken on a job share basis, equal consideration must be given to such proposals, although in these circumstances each applicant is required to be assessed for the role on the merits of their **individual** application.
- 12.7 Once shortlisting is completed, the record on the summary sheet for candidates who have been excluded from further consideration at this juncture should be updated by an administrator with the principal reason(s) for their exclusion documented in the appropriate location.
- 12.8 Following interviews (and/or additional assessments as and when appropriate), once a decision has been reached to offer the position to the chosen candidate, details of all unsuccessful candidates should be passed to administration for the summary sheet to be similarly updated with the principal reason(s) for their exclusion from further consideration.
- 12.9 If there is a poor field of applicants, and only one applicant meets the essential criteria, that person may be appointed to the position. However, this should only be after a face-to-face interview has been undertaken to satisfy the recruitment panel as to the individual's suitability for the role in question.

13. References

- 13.1 Any offer of employment must be conditional upon provision of satisfactory references (in addition to other pre-employment checks). The purpose of seeking references is to obtain information (which must in every case be accurate, factual and not misleading) to support appointment decisions.
- 13.2 The application form requests two references, one of which must be from the candidate's current (or most recent) employer and from the headteacher if the current or most recent employer is a school. Character references may be acceptable in the absence of a suitable employment history but neither referee should be a relative or someone known to the applicant solely as a friend.



- 13.3 The application form will reserves the right of the prospective employer to approach any of the candidate's previous employers, and if the candidate has previously worked with children but their current (or most recent) employment does not (or did not) involve work with children, then one reference should be from the employer with whom the applicant most recently worked with children.
- 13.4 References should always be sought and obtained directly from the referee, and sufficient diligence should be undertaken to ensure not only that all referees are genuine but also that they are in a position of validity in relation to the provision of a reference. For example, any reference which is provided on school headed paper but has been signed by a person other than a Headteacher should (given that it purports to emanate from the school) have been reviewed (before being issued) by a person in authority and this should be confirmed that this is indeed the case.
- 13.5 A copy of the job description should be included with the reference request, which should make clear that only objective and verifiable information is sought. It is vital that subjective opinion should not be encouraged.
- 13.6 As soon as shortlisting has taken place, references will be sought for all shortlisted external candidates and should also be requested for shortlisted internal candidates if the new role involves a significant change of responsibilities (although in the case of the latter these should always be sourced from an individual manager who is not personally involved in the shortlisting/interview process).
- 13.7 When seeking references, the Trust should make clear that although these are to be regarded as confidential, they may be shared with other persons involved in the recruitment process and may also be shared with the candidate upon request.
- 13.8 The consent of the applicant should always be obtained before seeking a reference, and although this may be implied (on the application form) it is appropriate to seek and obtain explicit consent from the applicant if sensitive personal data (such as details of sickness absence or health) is to be requested from the referee (unless this is stated clearly on the application form). A referee may request sight of such consent before responding.
- 13.9 References should (where possible, and with the candidate's permission) be obtained before interview. All references received should be compared to the information supplied in the candidate's application form to ensure consistency and compatibility throughout. Any apparent discrepancy should be taken up with the candidate.
- 13.10 The current employers of all short-listed candidates will, within the reference request, also be asked for details of any capability history in the previous two years. The reasons for this are as enshrined in the School Staffing Regulations (England) (Amendment) 2012:
- 'Governing bodies of maintained schools must confirm in writing whether or not a teacher at the school has been the subject of capability procedures within the last two years and, if so, provide details of the concerns which gave rise to this, the duration of the proceedings and their outcome, if asked to do so by the governing body of any maintained school or the proprietor of an academy school to which that person has applied for a teaching post.'*



- 13.11 It is further recommended that the previous employer should be asked for details of:
- whether or not the applicant has been subject to any disciplinary procedures for which a disciplinary sanction is still current;
 - any disciplinary procedures (where the applicant's previous employment has involved working with children or young people) involving issues related to the safety and welfare of children or young people to which the applicant has been subject, such details to include the outcome of those procedures (inclusive of details of any relevant disciplinary sanction which may have since expired);
 - any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people, or questionable behaviour towards children or young people, and the outcomes of those concerns (for example whether the allegation or concern was investigated, the conclusion reached and how the matter was resolved).
- 13.12 It is particularly important that the question relating to working with vulnerable groups is asked whenever a reference is requested.
- 13.13 In the event that a reference in respect of the preferred candidate has not been obtained prior to interview, the Trust will ensure that a reference is received and scrutinised, and that any concerns are resolved to its satisfaction, before an offer of appointment is confirmed. If the reference is vague or unspecific, the referee should be contacted and requested to provide further information (preferably in writing) as appropriate.
- 13.14 The Trust will not accept 'to whom it may concern' testimonials or unsolicited correspondence supplied by the candidate.

14. Invitation to Interview

- 14.1 Candidates for interview should be informed of their shortlisting in a letter that contains a detailed programme for the interview day(s) including:
- any preparation required by candidates (such as for a presentation or lesson);
 - an indication of the time the process is anticipated to take;
 - a location map or instructions relating to the interview venue.
- 14.2 Disabled candidates should be contacted in writing (normally through the invitation letter) to ascertain what arrangements/reasonable adjustments may be required to enable them to participate fully in the interview/assessment process.
- 14.3 Where relevant, the invitation should advise candidates that any issues arising from references will be discussed at interview.
- 14.4 In order to comply with legal requirements in a way that avoids claims of discrimination, all prospective employees should be asked to prove both their identity and their eligibility to work in the UK. Photographic proof of identity (such as a passport) should be presented for verification at interview and a record should be kept in relation to the date and means by which the individual's identity has been



verified.

- 14.5 It is therefore important to include, within the invitation letter sent to candidates, advice about the appropriate original documents to be brought to interview in order to establish both proof of identity and proof of the applicant's right to work in the UK. The relevant documents should be checked, verified, copied and signed by the designated administrator and kept on file for the successful candidate.
- 14.6 Candidates should also be asked to bring to the interview, for verification purposes, original documentation in relation to their qualifications. Once again copies should be obtained, checked and copied and kept on file for the successful candidate. If originals are not available a letter of confirmation from the awarding institution should be obtained from the candidate.

15. Final Selection Process

- 15.1 The aim of the selection process is to measure the skills, abilities (or competencies) and experience of the shortlisted candidates against the requirements identified in the person specification. An interview should take place with all candidates who have been shortlisted but it may be appropriate to use selection tests to complement the process.
- 15.2 The Trust will consider where relevant, the observation of trial lessons as part of an extended interview process (in line with the School Staffing (England) (Amendment) Regulations 2012).
- 15.3 The Trust will ensure that tests for job applicants are not unlawfully discriminatory. For example, a written English test would discriminate against those whose first language may not be English – although this could be justified if an acceptable level of proficiency with written English was necessary for the job.
- 15.4 Examples of suitable tasks to be undertaken as part of an assessment might include the following: in-tray exercises; presentations; observed group discussion or lessons; group problem-solving activities; small panel interviews or practical skills demonstration.
- 15.5 It is good practice for candidates (particularly those who have been shortlisted) to have an opportunity (prior to interview) to see the academy and pupils at work. This may involve some pupils in showing interviewees around the premises in the company of a senior staff member.

16. Interview

- 16.1 The key purpose of a selection interview is to assess the skills, experience and general background of a particular individual in order to make a decision on whether that person is a suitable (or the most suitable) candidate for the role in question. Interviewing is the most commonly used method of assessing prospective employees and the selection process should always include a face-to-face interview unless this is logistically unfeasible.



- 16.2 The interview should also be a forum through which each candidate can obtain information about the organisation and the vacant job. The selection interview should be structured around a two-way communication process.
- 16.3 The format of the interview should be the same for each candidate to help ensure that all shortlisted individuals undergo a similar experience and receive the same information about the job. There should be a set of identical questions that must be asked of each candidate but there must also be a number of supplementary questions tailored to the candidate's application form and employment experience.
- 16.4 Managers involved in recruitment have a duty to conduct selection interviews fairly and without bias for or against any particular candidate. Reasonable adjustments must be made for disabled candidates who have requested special arrangements, to ensure that they are not placed at a disadvantage.
- 16.5 Questions asked at interview should be designed to obtain relevant information about the applicant's experience and skills. The interview also represents an opportunity to check facts, test achievement and assess aptitude and potential, and questions should in addition explore attitudes and motives in relation to working with children as well as specifically probing any gaps within a candidate's employment history as indicated on their application.
- 16.6 Safeguarding guidance recommends that competency based questions should be used which ask the candidate to 'relate how (he or she) dealt with an actual situation' or questions that 'test a candidate's attitudes and understanding of issues'. Please consult with HR for additional advice regarding both competency and value based interview questions.
- 16.7 It is potentially discriminatory (on the grounds of disability) to ask a job applicant questions about his or her health or disability before making a job offer to that person, although there are some exceptions to this rule in that during an interview. It is legitimate to establish whether the applicant is able to carry out 'a function that is intrinsic to the work' and (less commonly) to make sure the candidate possesses any specific disability that may be deemed necessary as a general occupational requirement (GOR) for that role.
- 16.8 The use of an assessment grid to record conclusions is highly recommended to encourage a systematic and objective approach that can be readily justified in the event of subsequent challenge.
- 16.9 The recruitment panel should be aware of any candidate being in receipt of an ill health pension and in such instances should confirm with the applicant whether they would be eligible to undertake paid work under their pension scheme rules.
- 16.10 All candidates attending for interview should be informed how and when decisions on recruitment will be communicated to them.

17. Record Keeping

- 17.1 The Trust must always be able to justify the decision to recruit a particular person in



preference to other applicants. It is therefore necessary to document the process as much as possible, and at interview, sufficient time should be allocated between each candidate for panel members to record appropriate information to evidence the eventual recruitment decision reached.

- 17.2 Such notes should be retained, along with assessment grids or matrices and application forms (along with demographic information) from all candidates, for as long as is required in order that objective evidence is at hand in the event of a recruitment decision being challenged by an unsuccessful candidate.
- 17.3 Relevant information relating to candidates who have not been appointed should therefore be kept on record in the short term (although this should always be in accordance with data protection legislation and the Trust's relevant policies and procedures) to offer security (as outlined above) in the event of subsequent legal challenge.
- 17.4 Such information may also legitimately be retained and referred to in the event of the initial chosen candidate's appointment falling through, or a similar position within the Trust becoming available in the near future, as it may be considered acceptable, within a matter of a few weeks or months, to offer such a position to a candidate who has narrowly missed out on being appointed.
- 17.5 Notwithstanding the above, in normal circumstances any identifiable data relating to unsuccessful candidates should be deleted after a period of no longer than six months, although information relating to a successful candidate will of course be retained within their individual personnel file, subject to appropriate justification under GDPR, for the duration of their employment.

18. Conditional Offer of Appointment

- 18.1 A conditional offer of appointment should always be made in the first instance; as official confirmation of employment is dependent on a number of conditions (outlined below) being satisfied. This requirement is designed to minimise the risk of appointing unsuitable staff.
- 18.2 Any job offer extended to a candidate must therefore always be conditional on relevant pre-employment checks being not only completed but also proving satisfactory. The Trust will ensure that robust vetting procedures are in place to support this objective.
- 18.3 These conditions will include provision of at least two satisfactory references if these have not already been received prior to interview, a satisfactory declaration of health, evidence of the employee's right to work in the UK and proof of the employee's stated qualifications.
- 18.4 It is also essential before commencing employment that the applicant's identity has been verified by comparison of their appearance to acceptable and appropriate photo ID (such as a passport or UK driving licence). This confirmation of identity whether carried out at the time of interview or at a later opportunity, should always be formally documented, that is, with a record being made to confirm who and when such



verification has been undertaken.

- 18.5 The conditional offer letter in addition to setting out the Trust's requirement in terms of pre-employment checks, should also include the following information:
- job title and brief description;
 - terms of employment (hours, pay, etc.);
 - start date;
 - details of any probationary period.
- 18.6 Providing false information to a prospective employer whether in relation to the initial application or to any pre-employment check, is an offence that could result in the application being rejected, or in summary dismissal if the applicant has already been appointed.

19. Pre-employment Checks

- 19.1 Whilst certain pre-employment checks (further explored below) are mandatory for specified roles care must be taken by schools to ensure that they do not employ an indiscriminate approach whereby all employees regardless of circumstances, are subject to enquiries of an intrusive nature.
- 19.2 Accordingly, schools must always ensure that there is an appropriate justification for seeking to acquire, and to hold, personal (special category) data, and must similarly be conscious that this justification may not be applicable to certain data previously placed (whether or not legitimately) on record.
- 19.3 A pertinent example of this may be in relation to 'disqualification by association' which, as of 1 September 2018, is no longer applicable to staff employed within an educational setting, although schools with nurseries and/or those establishments which provide pre-school or after-school provision of a non-educational nature (such as breakfast clubs etc.) for those under the age of eight, still need to be aware that certain staff members, namely those involved either directly, or in the management of, childcare activities (as opposed to educational provision) should not be employed in such roles if they are in their own right disqualified from involvement in such care (see Appendix 3 for further explanation).
- 19.4 Although there is no legal obligation for an appropriate declaration to be completed to document the eligibility of such members of staff, many schools nonetheless find this to be the most expeditious method of ensuring that they are not employing staff inappropriately, and a form designed for this purpose appears as Declaration A in Appendix 3 (Declaration B being the parallel declaration for those members of staff who are not directly involved in childcare activities).
- 19.5 In relation to the preceding clauses, any personal information about associates of staff members which is no longer required (meaning there is no ongoing justification to hold such data) should therefore be deleted from the record as soon as possible in a safe and secure manner.



- 19.6 In the event that any pre-employment check or personal declaration reveals an unexpected disclosure, the potential or current employer must be mindful that any decision reached on the basis of such information should always be proportionate to both the nature of the disclosure and the specific role proposed for (or undertaken by) the individual – in other words there must be no blanket policy of denying employment opportunities to persons identified in this manner without an objective analysis of the situation.
- 19.7 Additionally, all educational establishments should be aware of government guidance to the effect that schools should remind all staff (not just those working with children under the age of eight) that their 'relationships and associations' (including those online) may have an implication for the safeguarding of pupils, and that if there are concerns that such contacts may be of relevance then the school should be told.
- 19.8 Schools should ensure that staff understand their duty in this regard and should include guidance to this effect in relevant policies (to which purpose this wording is reinforced within the Trust's Safeguarding Policy).

20. DBS checks and Prohibition Orders

All staff employed by the academy in regulated activity (further guidance in relation to DBS checks for volunteers is provided in Appendix 7) will undergo appropriate DBS (enhanced and barred list) checks.

- 20.1 In addition to appropriate DBS checks the academy will undertake prohibition checks in respect of any person who provides unsupervised/undirected teaching work to ensure that they are not subject to a prohibition order*. (Although only individuals holding QTS can be subject to a prohibition order it is not unknown for such persons to subsequently gain employment in a support staff role, which, in certain establishments, can involve carrying out a teaching role and, accordingly, it is incumbent upon schools to ensure that no person who provides unsupervised/undirected teaching work (even if not employed specifically as a teacher) is currently subject to a prohibition order.)
- 20.2 Employees will not be allowed to work in the trust until a satisfactory DBS check has been received. In exceptional circumstances, an employee may be allowed to start earlier – provided they can provide a recent check from their previous employment and there have been a barred list check and a prohibition from teaching check. Headteachers must seek permission from the trust's HR team before allowing somebody to work in these circumstances.

**A prohibition order is put in place by the Secretary of State for Education, most often following a determination made by the Teaching Regulation Agency (TRA), to prohibit a person from any involvement with teaching*

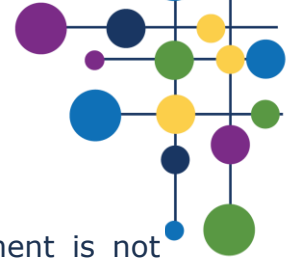
- 20.3 In addition to appropriate DBS checks and prohibition checks, it is also necessary (under a directive issued by the Secretary of State under the Education and Skills Act 2008) to undertake, in relation to the management of teaching, a Section 128 check



(further details of which process are set out in KCSIE) with the Teaching Regulation Agency (TRA) before confirming:

- appointment (in any school) as a governor;
- membership (in an independent (or free) school) of the proprietorial body; or
- appointment (in a non-maintained school) as a manager of other personnel who are themselves directly involved in teaching.

- 20.4 This is to ensure that relevant individuals have not been disqualified by the TRA from serving as a governor or from taking part (in an independent or free school) in the management of teaching (and in this context it is vital to note that **the definition of an independent school includes academies**).
- 20.5 The academy will also carry out (and document) a risk assessment in relation to any relevant volunteer roles, and this may, in certain circumstances, include provision to undertake further checks, although such decisions should always be proportionate to the role and the activities to be carried out by the individual concerned.
- 20.6 Individuals who have lived or worked outside the UK must undergo similar checks to all other staff in schools or colleges. Detailed Home Office advice on this topic can be found at: www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants.
- 20.7 The academy will not keep any photocopy or other image of the content of the DBS certificate (which remains the possession of the person to whom the information relates) or any equivalent (under the preceding clause) certification. However, all DBS checks undertaken (and equivalent checks for those who have lived or worked abroad) will be documented in the academy's Single Central Record (SCR).
- 20.8 The SCR will document the unique reference number of the DBS (etc.) check undertaken, the date on which the certificate was issued, the identity of the individual who has scrutinised the document in question and the date when this was viewed.
- 20.9 Prohibition checks undertaken by the academy for directors and governors and relevant members of staff will be documented in a similar manner.
- 20.10 All temporary agency staff working in regulated activity will be DBS checked by their agency before they start work for the academy and those providing teaching services (which may, as outlined above, include certain members of support staff as well as those holding QTS) will also be prohibition order checked. The completion of such checks forms part of the agreement between the academy and the agency.
- 20.11 Written receipt of confirmation of an up to date and acceptable DBS check is required from the supply agency as is (where applicable) confirmation of the certified absence of any prohibition order. These confirmations will be documented on the academy's SCR as detailed above.
- 20.12 It is, however, vital to note that it remains the responsibility of the academy to ensure that the individual presenting himself or herself for agency teaching work at the academy is the same person on whom these checks have been carried out, and once again an additional record should be documented on the academy's SCR to confirm how, when, and by whom such verification of identity has been undertaken.



- 20.13 In relation to a multi-academy trust (MAT), each individual establishment is not required to have its own separate SCR as long as all those (such as Ofsted) who may require sight of the (universal) SCR can do this easily.

21. Disqualification Checks

- 21.1 The Trust may, for relevant posts, request prospective employees to complete a safeguarding declaration (examples of which are provided at Appendix 3) to confirm that they are neither on a relevant barred list nor disqualified from working with children and that they will inform the headteacher immediately in the event of any of the clauses in the declaration becoming applicable at a later date.
- 21.2 Should the Trust request that all applicants complete such a declaration (which can be included in the application pack or form) at the recruitment stage, the Trust must be mindful that any positive declaration (which must be assessed on the circumstances of each individual case – in other words there must, as specified above, be no blanket policy of denying employment opportunities to persons identified in this manner without an objective analysis of the situation) will necessarily constitute special category data as defined by GDPR and utmost care must be taken to ensure that such data is processed in accordance with this designation.

22. Right to Work Checks

- 22.1 Permission to work in the UK is subject to legislation. It is a criminal offence to employ those who do not have permission to live or work in the UK. Under Section 35 of the Immigration Act 2016 (effective since 12 July 2016) these requirements are enforceable by a fine and potential imprisonment for up to five years where the employer “had reasonable cause to believe” that the individual was disqualified from being employed in the UK due to their immigration status.
- 22.2 The Trust is subject to a legal duty to prevent illegal working. All prospective employees must be requested to provide the necessary documentation to demonstrate eligibility for work in the UK (as well as verifying their identity). Refer to Appendix 1 for further details.

23. Health Checks

- 23.1 Applicants appointed to a post involving regular contact with children or young people must be medically fit (Education (Health Standards) (England) Regulations 2003).
- 23.2 Schools are statutorily responsible for satisfying themselves that potential appointees have the appropriate level of physical and mental fitness, and accordingly a declaration of health should be completed by the prospective employee. This declaration should be scrutinised by an appropriate individual or agency before an appointment offer is confirmed (and advice from occupational health (OH) may be



indicated in the event of any doubt arising as to an individual's fitness for the role in question).

24. Confirmation of Appointment

24.1 The appointment should be officially confirmed by means of issuing a contract of employment (either accompanied by, or incorporating, a statement of particulars) once the conditions in the conditional offer letter have been met. The Employment Rights Act 1996 requires employers to provide most employees with a written statement of the main terms and conditions of employment within two calendar months of commencing work.

24.2 **All employers should, however, note that** under The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018 and The Employment Rights (Miscellaneous Amendments) Regulations 2019, both of which become effective **from 6 April 2020, all workers** (the definition of worker is broader than that of employee) **will become entitled to be provided with such contract documentation from day 1 of their employment.**

The contract should include:

- employer's and employee's name;
- job title, place of work, hours of work; working days;
- date employment commenced (and date continuous service commenced, if earlier);
- pay and interval between payments;
- terms and conditions, including notice periods and holiday, sickness and pension entitlements;
- whether the contract is permanent, fixed term, or temporary to a specific circumstance;
- remuneration, specifying scale or rate of pay (or the method of calculating this) and additionally specifying any additional benefits in kind
- method and frequency of payment
- hours (and days) of work (and whether these are likely to vary in future)
- details of any probationary period
- terms and conditions (including holiday and sickness absence entitlement and pay)
- details of any compulsory training (and whether this will be paid for by the employer)
- details of notice periods (both to and from the employer), including, if applicable, any different notice period within the probationary period)
- details of eligibility for statutory paid leave* (such as maternity/paternity etc.)
** this can be provided by means of signposting to another document with detailed information (such as a policy statement).*
- details of disciplinary process (which must include an appeal mechanism);
- details of grievance process (which must include an appeal mechanism).

24.3 Either the contract itself, or an accompanying statement of particulars, should make appropriate reference to the Trust's privacy notice (detailing the relevant justification for processing of identifiable data relating to the employee) and should also clarify where this is to be found.



25. Feedback

- 25.1 There is no requirement to give unsolicited feedback to unsuccessful candidates. Providing constructive feedback can be a difficult and delicate task, and it should only be undertaken in response to a specific request.
- 25.2 In giving feedback it is appropriate to 'describe' rather than to 'evaluate', by making reference to what happened during the particular situation (such as interview or task performance) that is the subject of the feedback. In this way, attention can be drawn to areas which made a specific impression whether favourable or unfavourable on the members of the interviewing panel.
- 25.3 Any feedback given should avoid making value judgments. Feedback should be specific and should avoid generalities. It is better to be positive where possible in preference to being overly critical, whilst reminding the candidate of the key criteria which the panel were looking for. This may be achieved by quoting examples of what the candidate may have said, or written, and how this affected the outcome.
- 25.4 It is good practice (and may be important for future reference) to record all feedback that has been provided.

26. Induction

- 26.1 The purpose of induction is to ensure the effective integration of staff into or across the organisation to the benefit of both parties. The induction programme must be designed to provide all the information that new employees need, and are able to assimilate, without overwhelming them or diverting from the essential process of integration into a team.
- 26.2 The length and nature of the induction process will depend on the complexity of the job and the background of the (new) employee. However, induction training should, as a minimum, always include the organisation's safeguarding and child protection processes and procedures.
- 26.3 It is important to keep a checklist of the areas of induction training received, ideally countersigned by the individual. This helps to ensure all employees receive all the information they need. This checklist can be a vital source of reference later in employment – for example to check that an employee has been briefed on policies, or to produce evidence of training in the event of a health and safety inspection.

27. Documentation

- 27.1 For each recruitment vacancy a file should be created which will contain:
- job description and person specification;
 - advertisement;



- shortlisting matrix;
- interview assessment sheet;
- application forms received;
- references obtained;
- any other correspondence relating to the vacancy;
- the recruitment summary sheet.

27.2 Each vacancy should have its own set of records, which should be retained for a maximum of six months before being deleted in accordance with the Trust's GDPR policy.

27.3 Any documents relating to the successful applicant will routinely be transferred to the new employee's personnel file which should be created as soon as the appointment has been confirmed.

28. Other Policies and Procedures

28.1 This policy is supported by the following policies and procedures:

- GDPR Policy
- Safeguarding Policy



Appendix 1: Right to Work Checks

Eligibility to work in the UK – guidance for managers

This guidance will help you understand which documents you must ask your prospective employees to produce to ensure that they can work for you lawfully and in order that the Trust can establish a statutory excuse against the payment of a civil penalty if an employee is found to be undertaking work they are not permitted to do.

It explains what steps you should take to satisfy yourself that any documents produced by a prospective employee demonstrate an entitlement to work in the UK. It also explains when you should repeat these checks on those who have limits on their time in the UK.

The Immigration, Asylum and Nationality Act 2006 strengthened the law on the prevention of illegal working by replacing the previous controls under Section 8 of the Asylum and Immigration Act 1996. On 16 May 2014 changes came into force to strengthen and simplify the civil penalty scheme for employers. These includes some changes to the document checks employers are required to undertake.

With effect from 29 February 2008, Section 15 of the Act imposed new civil penalties on employers of illegal workers. (Currently they may be fined up to a maximum of £20,000 for each individual worker employed illegally.) In addition, where employers are found to have knowingly hired illegal workers they may be liable for prosecution under Section 35 of the Immigration Act 2016 (effective from 12 July 2016), for which there is a maximum prison sentence of 5 years and/or an unlimited fine.

Although employers may establish a statutory excuse in relation to Section 15 of the Immigration, Asylum and Nationality Act 2006, there is no such excuse in relation to Section 35 of the Immigration Act 2016 if the employer “had reasonable cause to believe” that the employment was not permissible.

Employers may establish a statutory excuse against liability for a civil penalty in relation to Section 15 if they can prove that they have carried out appropriate document checks.

Managers should be familiar with the guidance notes regarding the status of overseas workers and the required documents to be verified and copied as part of the pre-recruitment checking process.

A letter and the list of documents (Appendix 1) should be sent out to all shortlisted candidates with their invitation to interview, to ensure that the Trust complies with its legal obligation under Sections 15 and 21 of the Act in a way that does not result in unlawful race discrimination.

Where employees are transferred in under TUPE arrangements, managers must request, check and copy relevant documentation within 60 days of the transfer date. Employers must not rely on checks made by the previous employer as this will not provide a statutory excuse in the event that any workers acquired are working illegally.

Not all international students (those from outside the EEA) are entitled to work while they are in the UK, but some are permitted to take limited employment in the UK (including work placements), providing the conditions of their permission to study permit this. An employer may be liable to prosecution or a civil penalty if they



knowingly employ a student who no longer has the right to work because that student is no longer studying.

Further changes to immigration control were introduced under the Asylum, Immigration and Nationality Act 2006 including:

- the introduction of a points-based five tier immigration system for workers from outside the EEA or Switzerland that replaced all existing routes for those wishing to enter the UK to work, study or train
- an employer led system of sponsorship for the employment of workers from outside the EEA or Switzerland, of which the Trust is a registered Tier 2 sponsor.

All forms and guidance notes referred to in the attached documents are available from: www.gov.uk/government/organisations/uk-visas-and-immigration

The Immigration, Asylum and Nationality Act 2006

Conducting a right to work check

Step 1

You must obtain **original** documents from either **List A** or **List B** of acceptable documents at Appendix 1.

If a person provides you with acceptable documents from List A there is no restriction on their right to work in the UK, so you establish a continuous statutory excuse for the duration of the person's employment. You are not required to carry out any further checks.

If a person provides you with acceptable documents from List B there are restrictions on their right to work in the UK, so you will establish a time-limited statutory excuse. You are required to carry out follow-up checks on this person's right to work in the UK.

The frequency of these follow-up checks depends on whether the documents you are provided with are from **Group 1** or **Group 2**.

Step 2

You must check that they are genuine and that the person presenting them is the prospective employee, the rightful holder and allowed to do the type of work you are offering.

This can be carried out as either a physical presence in person or via a live video link.

You must check all the following points:

1. All documents produced are genuine, have not been tampered with and belong to the holder



2. Photographs and dates of birth are consistent across documents, and with the person's appearance, in order to detect impersonation
3. The reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll) are both plausible and consistent (supporting documents should also be photocopied and copies retained)
4. Expiry dates for permission to be in the UK have not passed
5. Any work restrictions to determine if the individual is allowed to do the type of work on offer (for **students** who have limited permission to work during term times, you must also obtain (from them) details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed, such details being copied and retained – acceptable evidence may include printouts from student's education institution website or copies of letters/emails addressed to student from the education institution confirming term dates

Step 3

You must make a clear **copy** of each document in a format which cannot be altered, and must retain the copy securely, whether in electronic form or in hard copy. You must also retain a record of the date on which you made the check and must be able to show this evidence if requested to do so in order to establish a statutory excuse.

You must copy and retain:

Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.

All other documents: the document in full, including both sides of a Biometric Residence Permit.

If someone gives you a false document or a genuine document that does not belong to them, you should report the individual by calling the Sponsorship, Employer and Education Helpline on 0300 123 4699.

You must retain the copy (or copies) securely for not less than 2 years after employment has come to an end. For further details regarding carrying out all the steps that need to be taken refer to:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

Home Office verification checks

There are only three circumstances in which you are required to contact the Home Office to verify that someone has the right to work in the UK to establish or retain your statutory excuse. These are when:

1. you are presented with a Certificate of Application (which must be less than 6 months old and which indicates that work is permitted); or
2. you are presented with an Application Registration Card stating the holder is



permitted to undertake the work in question (this will be restricted to employment in a shortage occupation); or

3. you are satisfied that you have not been provided with any acceptable documents because the person in question has an outstanding application with the Home Office which was made before their previous permission expired or has an appeal or administrative review pending against a Home Office decision and therefore cannot provide evidence of their right to work.

In these circumstances, you need to obtain a **Positive Verification Notice** in order to obtain a statutory excuse. A Positive Verification Notice confirms that the named person is allowed to carry the type of work in question. You must check the original Application Registration Card or the Certificate of Application in the usual way. You must make copies of these documents and retain these copies, together with the Positive Verification Notice. In so doing, you will have a statutory excuse for 6 months from the date issued in the Positive Verification Notice.

If you receive a **Negative Verification Notice** you should not employ, or continue to employ this person, as this notice confirms that they do not have permission to do the work in question.

Employing nationals from the European Economic Area (EEA)

EEA nationals have the right to work in the UK. However, they should not be employed simply on the basis that they claim to be an EEA national. Not all EEA nationals are permitted to work in the UK without restrictions. Any person who claims to be an EEA national will be required to produce an official document showing their nationality. This will usually be either a national passport or nationality identity card which indicates that the holder is a national of an EEA area.

Acceptable documents are included in List A and production of any one of them will provide the employer with a continuous excuse if checked and copied correctly before the person is employed.

EEA nationals who may work without restriction are those from the following countries:

Czech	Austria Belgium Bulgaria Croatia Cyprus Denmark Estonia Finland France	Germany Greece Hungary Iceland Ireland Italy Latvia Liechtenstein Lithuania Luxembourg	Malta Netherlands Norway Poland Portugal Romania Slovakia Slovenia Spain Sweden
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Whilst they are residing lawfully, their **immediate** (or 'direct' – defined as spouse or



civil partner; direct descendants of the EEA national or their spouse or civil partner who are under the age of 21 or dependents of the EEA national or their spouse or civil partner; or dependent direct relatives in the ascending line of the EEA national or their spouse or civil partner) **family members** are also able to reside and work freely in the UK. However, their documents should still be checked and photocopies retained to demonstrate this entitlement.

Nationals from Switzerland and their family members have the same free movement and employment rights as EEA nationals.

Non-EEA family members of EEA nationals

You should not employ any individual on the basis that they claim to be the family member of an EEA national. A valid Residence Card can be used to demonstrate that the holder has a right to work in the UK and is included in List B of acceptable documents that provide the employer with a time-limited statutory excuse if they are current and have been checked and copied correctly.

A Permanent Residence Card indicates that the person has lived in the UK for 5 years in compliance with the EEA Regulations and is included in the List A of acceptable documents and will provide the employer with a continuous statutory excuse if checked and copied correctly.

Non-EEA nationals with a derivative right of residence

Some non-EEA nationals have a 'derivative right of residence' in the UK based on their relationship with an EEA (or Swiss) national or British citizen. Derivative residence cards are included in List B of acceptable documents and will provide the employer with a time-limited statutory excuse if checked and copied correctly. When a Derivative Residence Card is contained in a passport, that passport must be current.

Certificate of application

Where a non-EEA national applies for a Residence Card or a Derivative Residence Card, the Home Office will provide them with a Certificate of Application pending a decision on their application. In certain circumstances, this certificate will state that the individual has a right to work in the UK whilst their application is being considered.

The Certificate of Application will only give the employer an excuse if it is less than 6 months old, permits work and is accompanied by a Positive Verification Notice issued by the Home Office's Employer Checking Service stating that the holder has permission to do the work in question.

Additional information

Further guidance on EEA and non-EEA family members of EEA nationals can be found on the European Casework Instruction page and information on asylum seekers can be found on www.gov.uk website.



List of acceptable documents for right to work checks

List A – Acceptable documents to establish a continuous statutory excuse

- A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the United Kingdom.
 - A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area (EEA) country or Switzerland.
 - A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of an EEA country or Switzerland.
 - A permanent residence card issued by the Home Office to the family member of a national of an EEA country or Switzerland.
 - A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
 - A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
 - A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
 - A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.
 - A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.
 - A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government Agency or a previous employer.
- **List B – Acceptable documents to establish a statutory excuse for a limited period of time**

Group 1 - Documents where a time-limited statutory excuse lasts until the expiry date of leave



- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.
- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-EEA national who is a family member of a national of an EEA country or Switzerland or who has a derivative right of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (EEA) Regulations 2006 to a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old together with a **Positive Verification Notice*** from the Home Office Employer Checking Service.
- An Application Registration Card (ARC) issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

* 'Positive Verification Notice' is official correspondence from the Home Office Employer Checking Service which confirms that a named person has permission to undertake the work in question.



Appendix 2: Disclosure and Barring Service and related checks

Statement to applicant that enhanced disclosure is applicable to post

Post title: (INSERT)

As the Trust meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, the successful applicant(s) to this post will be subject to a DBS check from the Disclosure and Barring Service before the appointment is confirmed. This check will include details of both spent and unspent convictions, as well as cautions, reprimands, final warnings and non-conviction information from local police records if it is thought to be relevant to the position being applied for.

Please note that having an unspent conviction will not necessarily bar you from employment with the Trust. This will depend on the circumstances and background to your offence(s).

Applicants invited for interview for this post should note that any relevant information declared in respect of convictions, cautions etc. will be discussed at the interview in order to assess job-related risks. To facilitate this process applicants will be advised to submit, on a basis of strict confidentiality, appropriate written details and dates of any criminal convictions (and other associated information as defined above) to a named person who will be responsible for appreciating the sensitivity of any information supplied in this context and for ensuring the security of such data.

Details regarding the procedure for applying for an Enhanced Disclosure will be forwarded to the successful applicant for the position with the conditional offer of appointment.

Policy on employing people with a criminal record

1. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, the Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The Trust undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. The Trust is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, colour, ethnic or national origin or religion, political views or membership, gender, age, marital status, disability, mental health, trade union membership or sexual orientation either by direct or indirect discrimination.
3. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Unless the nature of the work demands it, applicants for positions within the Trust will not be asked to disclose convictions which are 'spent' under the Rehabilitation of Offenders Act 1974. Having an unspent conviction will not necessarily bar applicants from employment. This will depend on the circumstances and background to an applicant's offence.



4. The Trust selects candidates for interview based on their skills, qualifications and experience relevant to the position applied for.
5. For those positions within the Trust where an Enhanced or Standard Disclosure and or Barred List is required, job adverts will contain a statement that the successful applicant will be subject to a criminal record check from the Disclosure and Barring Service before the appointment is confirmed.
6. Where a Disclosure is to form part of the recruitment process, applicants called for interview are encouraged to provide details of their criminal record at an early stage in the application process. The Trust requests that this information is sent under separate, confidential cover, to a designated person within the Trust. The information will be seen only by those who need to see it as part of the recruitment process.
7. The Trust will ensure that staff involved in the recruitment process are provided with information and guidance in relation to the employment and fair treatment of ex-offenders and the Rehabilitation of Offenders Act 1974.
8. At interview, or in a separate discussion, the Trust will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
9. The Trust may provide a copy of the Disclosure and Barring Service Code of Practice to all applicants who apply for a position that requires a DBS check (Disclosure).
10. The Trust will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
11. Having a criminal record will not necessarily bar you from working with the Trust. This will depend on the nature of the position and the circumstances and background of your offences.



Appendix 3: Safeguarding declarations

Different categories of staff may be required to undergo particular pre-employment checks, or to make specific declarations, in relation to their **precise role** within the Trust. It is **not** appropriate to ask all members of staff to complete declarations that are more extensive than required by the regulations, as possession of such identifiable data, without adequate justification, potentially represents a breach of data protection legislation.

Those members of staff who are subject to the **2018 update to the Childcare (Disqualification) Regulation 2009** (defined below) should be requested to complete **Declaration A** whereas all other members of staff who are deemed to be in **regulated activity** (this is effectively any person permanently employed by, and working on the premises of, a school) but who are not subject to the 2018 update to the Childcare (Disqualification) Regulation 2009 should be requested to complete **Declaration B**.

Staff who should complete Declaration A are those who are employed, and/or provide childcare, in either early years or later years (although this no longer extends to the provision of **education** (as opposed to childcare) to children in later years)

- early years means from birth until 1st September following a child’s fifth birthday (in other words up to and including reception age)
 - later years means children under the age of eight.

Staff subject to/not subject to the above regulation:

<u>During school hours</u>	<u>Outside school hours</u>	
<i>Nursery/reception age or younger</i>	<i>Subject</i>	<i>Subject</i>
<i>Older than reception age up to age 8</i>	<i>Not Subject</i>	<i>Subject</i>
<i>8 years or older</i>	<i>Not Subject</i>	<i>Not Subject</i>

Staff who are directly concerned in the **management** of early or later years’ provision are also subject to the legislation. This will necessarily include the headteacher: it may also include other members of the school’s leadership team and any manager, supervisor, leader or volunteer responsible for day-to-day management of such provision.

Staff who are **not** subject to the above legislation include (but may not be limited to) caretakers, cleaners, transport escorts, catering and office staff. (Any workers who are not employed to directly provide childcare are not subject to the above legislation.)



Declaration A

(for staff subject to the 2018 update to the Childcare (Disqualification) Regulation 2009)

The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

In order to help us process your application/confirm your appointment (*delete as applicable*) we require the following declaration to be completed.

I declare that I,
(please print your full name)

- am not on a relevant barred list (a Department for Education list of people whose employment has been barred or restricted on grounds of misconduct or on medical grounds)
- am not disqualified from work with children
- am not subject to sanctions imposed by a regulatory body (for example the DfE)
- have no criminal convictions, cautions or bindovers, either at home or abroad
- have never had any of my own children taken into care, nor have they been the subject of a child protection order or court order
- have never had a registration cancelled in relation to childcare or children's homes and have never been disqualified from private fostering.

I also undertake to inform the headteacher immediately in the event of any change in circumstances which would render one or more of the above bullet points applicable at any point during the duration of my employment with the Trust/academy.

Signed: Dated:

NB If you are unable to complete the declaration by confirming all of the above points, we ask that you do not sign the declaration but that you provide written details, which will be discussed with you in absolute confidence before any decision is made in relation to your employment by the organisation.

Any information of this nature should be provided to (*named person*) in an envelope marked 'Strictly Private and Confidential'.



Declaration B

(for staff not subject to the 2018 update to the Childcare (Disqualification) Regulation 2009)

The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

In order to help us process your application/confirm your appointment (*delete as applicable*) we require the following declaration to be completed.

I declare that I,
(please print your full name)

- am not on a relevant barred list (a Department for Education list of people whose employment has been barred or restricted on grounds of misconduct or on medical grounds)
- am not disqualified from work with children
- am not subject to sanctions imposed by a regulatory body (for example the DfE)
- have no criminal convictions, cautions or bindovers, either at home or abroad

I also undertake to inform the headteacher immediately in the event of any change in circumstances which would render one or more of the above bullet points applicable at any point during the duration of my employment with the Trust/academy.

Signed: Dated:

NB If you are unable to complete the declaration by confirming all of the above points, we ask that you do not sign the declaration but that you provide written details, which will be discussed with you in absolute confidence before any decision is made in relation to your employment by the organisation.

Any information of this nature should be provided to (*named person*) in an envelope marked 'Strictly Private and Confidential'.